

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

BRITTANY BAKER,)
)
Plaintiff,)
)
v.)
)
 No. _____
)
STATE FARM MUTUAL)
AUTOMOBILE INSURANCE)
COMPANY,)
)
Defendant.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1441, *et seq.*, Defendant State Farm Mutual Automobile Insurance Company (“State Farm”) hereby removes this action originally filed in state court to the United States District Court for the Middle District of Tennessee, and alleges as follows:

1. On December 8, 2016, the Tennessee Department of Commerce and Insurance was served with a summons and complaint in an action entitled *Brittany Baker v. State Farm Mutual Automobile Insurance Company*, filed November 30, 2016, in the Circuit Court for Maury County, Tennessee. On December 28, 2016, Corporation Service Company was served with the summons and complaint on behalf of State Farm by the Department of Commerce and Insurance. A true and accurate copy of the service transmittal documents, summons and complaint is attached as Exhibit 1. Pursuant to *Farris v. Youngblood*, 248 F. Supp. 598 (E.D. Tenn. 1965), State Farm’s removal to this Court is timely, as it is within thirty (30) days that State Farm received the summons, as opposed to the date that the statutory agent Tennessee Department of Commerce and Insurance received the summons.

2. The case stated by the complaint served upon State Farm is removable to this Court pursuant to 28 U.S.C. §1441, in that Plaintiff Brittany Baker is a resident of Maury

County, Tennessee, and State Farm is an insurance company organized under the laws of the State of Illinois with its principal place of business in Bloomington, Illinois.

3. The above-described action is a civil action of which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. §1332 and is one which may be removed to this Court by State Farm pursuant to the provisions of 28 U.S.C. §1441, in that complete diversity of citizenship exists between the parties. In addition, Plaintiff is seeking damages in the amount of \$225,000 for State Farm's alleged breach of an insurance contract, plus additional damages for State Farm's alleged breach of the duty of good faith pursuant to Tenn. Code Ann. §56-7-105, plus punitive damages, so that the matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000. Therefore, this Court has original jurisdiction over this action.

4. Pursuant to 28 U.S.C. § 1446(d), State Farm will (1) file a copy of this Notice of Removal with the Circuit Court for Maury County, Tennessee, (2) provide prompt notice to Plaintiff, and (3) file proof of all notices and filings with the Clerk of the United States District Court for the Middle District of Tennessee. A copy of the Notice to be filed with the Circuit Court for Maury County, Tennessee is attached hereto as Exhibit 2.

5. By filing this Notice of Removal, Defendant State Farm does not waive any defense that may be available to it.

WHEREFORE, State Farm gives notice that the above action now pending against it in the Circuit Court for Maury County, Tennessee, has been removed therefrom to this Court.

DATED this 27th day of January, 2017.

Respectfully submitted,

BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, P.C.

By: *s/Brigid M. Carpenter*
Brigid M. Carpenter
B.P.R. No. 18134

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*Attorneys for Defendant State Farm Mutual Automobile
Insurance Company*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by first-class U.S. mail, postage pre-paid:

Benjamin J. Miller
The Higgins Firm, PLLC
525 Fourth Avenue South
Nashville, Tennessee 37210

this 27th day of January, 2017.

s/Brigid M. Carpenter
Brigid M. Carpenter